

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CONSUMER FINANCIAL PROTECTION
BUREAU, et al.,

Plaintiffs,

v.

NEXUS SERVICES, INC., et al.,

Defendants.

Case No.: 5:21-cv-00016-EKD-JCH

**PLAINTIFFS' UNOPPOSED MOTION TO SEAL CERTAIN DOCUMENTS IN
SUPPORT OF THEIR REQUEST FOR EVIDENTIARY SANCTIONS, INJUNCTIVE
RELIEF, CONSUMER REDRESS, AND CIVIL MONEY PENALTIES**

Under Local Civil Rule 9 and paragraph 11.3 of the Stipulated Protective Order (Protective Order) (ECF No. 51), Plaintiffs move this Court for an order permitting the filing under seal of certain documents in connection with Plaintiffs' Memorandum in Support of their Request for Evidentiary Sanctions, Injunctive Relief, Consumer Redress, and Civil Money Penalties (Memorandum). Those documents, submitted separately in accordance with Local Civil Rule 9, are as follows:

- Defendants Nexus Services, Inc. and Libre by Nexus, Inc.'s Supplemental Responses to the Commonwealth of Virginia's First Interrogatories (Supplemental Interrogatory Responses) stating the amount of money that Defendants received from consumers;
- An unredacted version of the Declaration by Patrick Callahan that explains, based in part on the Entity Defendants' Supplemental Interrogatory Responses, the amount of money that Defendants received from consumers; and
- An unredacted version of Plaintiffs' Memorandum.

Plaintiffs submit these documents under seal because Paragraphs 2.15 and 11.3 of the Protective Order expressly prohibits Plaintiffs from disclosing any "Protected Material," which

includes “any Disclosure or Discovery Material that is designated as CONFIDENTIAL.” Each document that Plaintiffs seek to file under seal includes information from documents that Defendants designated as Confidential.¹ Before filing this motion, counsel for Plaintiffs conferred with counsel for Defendants to determine whether Defendants would waive their confidentiality designations to the Supplemental Interrogatory Responses and avoid the need for this motion.² Defendants’ counsel declined to waive the confidentiality designations but does not oppose this Motion to Seal.³

Under Local Civil Rule 9, portions of documents may not be sealed; “only [an] entire document may be sealed.” The duration of this request to maintain these documents under seal is until such time as the Protective Order is no longer in effect.

WHEREFORE, based on the foregoing, Plaintiffs respectfully request that this Court grant this Motion to Seal and permit Plaintiffs to file certain documents in connection with their Memorandum under seal.

Dated: June 23, 2023

Respectfully submitted,

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¹ Plaintiffs file this Motion to comply with their obligations under the Protective Order, but also expressly reserve their right under the Protective Order to challenge certain of the “Confidential” designations of Defendants.

² Decl. of Leanne Hartmann, Ex. 1.

³ *Id.*

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all counsel of record for the parties.

/s/ Leanne E. Hartmann
Leanne E. Hartmann